

Attorney Docket No. 9411-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Timothy Thronson et al.

Confirmation No.: 1356

Application No.: 10/811,709

Group Art Unit: 3687

Filed: March 29, 2004

Examiner: Glass, Russell S

For: **METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR
PROCESSING AND/OR PREPARING A TAX RETURN AND INITIATING
CERTAIN FINANCIAL TRANSACTIONS**

Date: April 1, 2010

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Sir:

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed December 3, 2009 and the "Notice of Panel Decision from Pre-Appeal Brief Review" mailed February 2, 2010.

Real Party In Interest

The real party in interest is assignee Tax-N-Cash, L.L.C., Raleigh, North Carolina.

Related Appeals and Interferences

Appellants are aware of no appeals or interferences that would be affected by the present appeal.

Status of Claims

Appellants appeal the final rejection of Claims 1 - 44 and 46 - 69 as set forth in the Final Office Action of September 3, 2009 (hereinafter "Final Action"). Claims 1 - 44 and 46 - 69 stand finally rejected. Claims 45 and 70 have been canceled. The claims involved in the appeal as included in Appellants' response to the Office Action mailed May 29, 2008 are attached hereto as Appendix A.

Status of Amendments

No amendment has been filed in the present case in response to the Final Action.

Summary of Claimed Subject Matter

Independent Claim 1 is directed to a method of processing a tax return, comprising receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), wherein the tax information is in a plurality of media formats (Specification, pages 8 and 9), converting the tax information into a common electronic format (Specification, page 9; FIG. 3, block 305), determining if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), and processing the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320).

Independent Claim 14 is directed to a method of processing a tax return, comprising receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), determining if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), processing the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320), presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, page 10; FIG. 3, block 325), and presenting the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, page 11; FIG. 3, block 330).

Independent Claim 28 is directed to a method of processing a tax return, comprising receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), determining if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), processing the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320), and establishing an account with a financial institution if the taxpayer is entitled to a tax refund (Specification, pages 10 and 11; FIG. 3, block 325).

Independent Claim 40 is directed to a method of processing a tax return, comprising receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), evaluating the accuracy of the tax information (Specification, page 9; FIG. 3, block

310), confirming the accuracy of the tax information with the taxpayer (Specification, page 9; FIG. 3, block 315), processing the tax information to generate a tax return (Specification, page 10; FIG. 3, block 320), presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, page 10; FIG. 3, block 325), and presenting the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, page 11; FIG. 3, block 330).

Independent Claim 51 is directed to a system for processing a tax return comprising means for receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), wherein the tax information is in a plurality of media formats (Specification, pages 8 and 9), means for converting the tax information into a common electronic format (Specification, page 9; FIG. 3, block 305), means for determining if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), and means for processing the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320). The data processing system 105 of FIG. 1, processor 200, and memory 205 provide structure for the means for receiving, means for converting, means for determining, and means for processing.

Independent Claim 52 is directed to a system for processing a tax return, comprising means for receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), means for determining if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), means for processing the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320), means for presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, page 10; FIG. 3, block 325), and means for presenting the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, page 11; FIG. 3, block 330). The data processing system 105 of FIG. 1, processor 200, and memory 205 provide structure for the means for receiving, means for determining, means for processing, means for presenting the tax payer with options for receiving value, and means for presenting the taxpayer with options for paying a tax.

Independent Claim 53 is directed to a system for processing a tax return comprising means for receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), means for determining if the tax information is sufficient to generate a tax return

therefrom (Specification, page 9; FIG. 3, block 310), means for processing the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320), and means for establishing an account with a financial institution if the taxpayer is entitled to a tax refund (Specification, pages 10 and 11; FIG. 3, block 325). The data processing system 105 of FIG. 1, processor 200, and memory 205 provide structure for the means for receiving, means for determining, means for processing, and means for establishing.

Independent Claim 54 is directed to a system for processing a tax return comprising means for receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), means for evaluating the accuracy of the tax information (Specification, page 9; FIG. 3, block 310), means for confirming the accuracy of the tax information with the taxpayer (Specification, page 9; FIG. 3, block 315), means for processing the tax information to generate a tax return (Specification, page 10; FIG. 3, block 320), means for presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, page 10; FIG. 3, block 325), and means for presenting the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, page 11; FIG. 3, block 330). The data processing system 105 of FIG. 1, processor 200, and memory 205 provide structure for the means for receiving, means for evaluating, means for confirming, means for processing, means for presenting the taxpayer with options for receiving value, and means for presenting the taxpayer with options for paying a tax.

Independent Claim 55 is directed to a computer program product for processing a tax return comprising a computer readable storage medium having computer readable program code embodied therein (Specification, pages 4 and 5; FIG. 2, memory 205). The computer readable program code comprises computer readable program code configured to receive tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), wherein the tax information is in a plurality of media formats (Specification, pages 8 and 9), computer readable program code configured to convert the tax information into a common electronic format (Specification, page 9; FIG. 3, block 305), computer readable program code configured to determine if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), and computer readable program code configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320).

Independent Claim 56 is directed to a computer program product for processing a tax return comprising a computer readable storage medium having computer readable program code embodied therein (Specification, pages 4 and 5; FIG. 2, memory 205). The computer readable program code comprises computer readable program code configured to receive tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), computer readable program code configured to determine if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), computer readable program code configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320), computer readable program code configured to present the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, page 10; FIG. 3, block 325), and computer readable program code configured to present the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, page 11; FIG. 3, block 330).

Independent Claim 57 is directed to a computer program product for processing a tax return comprising a computer readable storage medium having computer readable program code embodied therein (Specification, pages 4 and 5; FIG. 2, memory 205). The computer readable program code comprises computer readable program code configured to receive tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), computer readable program code configured to determine if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), computer readable program code configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320), and computer readable program code configured to establish an account with a financial institution if the taxpayer is entitled to a tax refund (Specification, pages 10 and 11; FIG. 3, block 325).

Independent Claim 58 is directed to a computer program product for processing a tax return comprising a computer readable storage medium having computer readable program code embodied therein (Specification, pages 4 and 5; FIG. 2, memory 205). The computer readable program code comprises computer readable program code configured to receive tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), computer readable program code configured to evaluate the accuracy of the tax information (Specification, page 9; FIG. 3, block 310), computer readable program code configured to

confirm the accuracy of the tax information with the taxpayer (Specification, page 9; FIG. 3, block 315), computer readable program code configured to process the tax information to generate a tax return (Specification, page 10; FIG. 3, block 320), computer readable program code configured to present the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, page 10; FIG. 3, block 325), and computer readable program code configured to present the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, page 11; FIG. 3, block 330).

Independent Claim 59 is directed to a method of processing a tax return comprising receiving tax information associated with a taxpayer (Specification, page 8; FIG. 3, block 300), wherein the tax information is in a plurality of formats (Specification, pages 8 and 9), converting the tax information into a common electronic format (Specification, page 9; FIG. 3, block 305), determining if the tax information is sufficient to generate a tax return therefrom (Specification, page 9; FIG. 3, block 310), processing the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, page 10; FIG. 3, block 320), presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, page 10; FIG. 3, block 325), and presenting the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, page 11; FIG. 3, block 330).

Independent Claim 62 is directed to a system for processing a tax return comprising an input device that is configured to receive tax information associated with a taxpayer (Specification, page 5; FIG. 1, input devices 130; Specification, page 8; FIG. 3, block 300), wherein the tax information is in a plurality of formats (Specification, pages 8 and 9), a format conversion module that is configured to convert the tax information into a common electronic format (Specification, pages 6 and 7; FIG. 2, format conversion module 220), a data verification module that is configured to determine if the tax information is sufficient to generate a tax return therefrom (Specification, pages 6 and 7; FIG. 2, data verification module 225), a tax preparation module that is configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient (Specification, pages 6 and 7; FIG. 2, tax preparation module 230), a refund options module that is configured to present the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, pages 6 and 7; FIG. 2, refund options module 240), and a payment options module that is configured to present the taxpayer with options for

paying a tax if the taxpayer owes the tax (Specification, pages 6 and 7; FIG. 2, payment options module 235).

Independent Claim 63 is directed to a method of initiating a financial transaction, comprising scanning at least one financial document (Specification, pages 8 and 9; FIG. 3, block 300), converting information on the at least one financial document into an electronic format (Specification, pages 9 and 13; FIG. 3, block 305), determining if the information is sufficient to initiate the financial transaction (Specification, pages 9 and 13; FIG. 3, block 310), and initiating the financial transaction if the information has been determined to be sufficient (Specification, pages 10 and 13; FIG. 3, block 320).

Independent Claim 68 is directed to a method of processing a tax return comprising scanning a tax return that has been filed with a revenue authority (Specification, pages 8, 9, 12, and 13; FIG. 3, block 300), converting information on the tax return into an electronic format (Specification, pages 9 and 13; FIG. 3, block 305), determining if the tax return contains any errors (Specification, pages 9 and 13; FIG. 3, block 310), generating an amended tax return if any errors are determined (Specification, pages 10 and 13; FIG. 3, block 320), presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund (Specification, pages 10 and 13; FIG. 3, block 325), and presenting the taxpayer with options for paying a tax if the taxpayer owes the tax (Specification, pages 11 and 13; FIG. 3, block 330).

Grounds of Rejection to be Reviewed on Appeal

Claims 1 – 6, 8, 12 – 14, 18 – 20, 22, 26 – 29, 32 – 34, 38 – 45, 49 – 60, 62 – 63, and 67 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 7,234,103 to Regan (hereinafter "Regan"). (Final Action, page 2).

Claims 10, 11, 24, 25, 36, 37, and 47 stand rejected under §103(a) as being unpatentable over Regan in view of U. S. Patent Publication 2002/0133410 to Hermreck et al. (hereinafter "Hermreck"). (Final Action, page 7).

Claims 15, 30, 31, 64, and 65 stand rejected under §103(a) as being unpatentable over Regan in view of U. S. Patent Publication 2002/0013747 to Valentine et al. (hereinafter "Valentine"). (Final Action, page 8).

Claims 16, 17, 46, and 66 stand rejected under §103(a) as being unpatentable over Regan in view of U. S. Patent No. 7,177,829 to Wilson et al. (hereinafter "Wilson"). (Final Action, page 10).

Claims 7 and 21 stand rejected under §103(a) as being unpatentable over Regan in view of U. S. Patent No. 5,963,921 to Longfield (hereinafter "Longfield"). (Final Action, page 10).

Claims 9, 23, and 35 stand rejected under §103(a) as being unpatentable over Regan in view of U. S. Patent Publication No. 2003/0233296 to Wagner (hereinafter "Wagner"). (Final Action, page 11).

Claim 61 stands rejected under §103(a) as being unpatentable over Regan in view of U. S. Patent Publication No. 2003/0036912 to Sobotta et al. (hereinafter "Sobotta"). (Final Action, page 12).

Claims 68 and 69 stand rejected under §103(a) as being unpatentable over Regan in view of U. S. Patent No. 6,473,741 to Baker et al. (hereinafter "Baker"). (Final Action, page 12).

Argument

I. Introduction to 35 U.S.C. §102 /§103 Analysis

Under 35 U.S.C. § 102, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). "Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Apple Computer Inc. v. Articulate Sys. Inc.*, 57 U.S.P.Q.2d 1057, 1061 (Fed. Cir. 2000). "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or

possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" M.P.E.P. § 2112 (citations omitted).

A determination under §103 that an invention would have been obvious to someone of ordinary skill in the art is a conclusion of law based on fact. *Panduit Corp. v. Dennison Mfg. Co.* 810 F.2d 1593, 1 U.S.P.Q.2d 1593 (Fed. Cir. 1987), *cert. denied*, 107 S.Ct. 2187. After the involved facts are determined, the decision maker must then make the legal determination of whether the claimed invention as a whole would have been obvious to a person having ordinary skill in the art at the time the invention was unknown, and just before it was made. *Id.* at 1596. The United States Patent and Trademark Office (USPTO) has the initial burden under §103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

To establish a *prima facie* case of obviousness, the prior art reference or references when combined must teach or suggest all the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. §2143. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v. Teleflex Inc.*, 550 U. S. 1, 15 (2007). A corollary principle is that, when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be unobvious. *Id.* at 12. If a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Id.* at 13. A Court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. *Id.* at 13. When it is necessary for a Court to look at interrelated teachings of multiple patents, the Court must determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *Id.* at 14.

Appellants respectfully submit that the pending claims are patentable for at least the reason that the cited references do not disclose or suggest each of the recitations of the independent claims. The patentability of the pending claims is discussed in detail hereinafter.

II. Claims 1 – 6, 8, 12 – 14, 18 – 20, 22, 26 – 29, 32 – 34, 38 – 45, 49 – 60, 62 – 63, and 67 are Patentable

A. Independent Claims 1, 51, and 55 are Patentable

Independent Claims 1, 51, and 55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 7,234,103 to Regan (hereinafter "Regan"). (Final Action, page 2). Independent Claim 1 is directed to a method of processing a tax return and recites, in part:

receiving tax information associated with a taxpayer, wherein the tax information is in a plurality of media formats;
... (Emphasis added).

Claims 51 and 55 include similar recitations. According to independent Claims 1, 51, and 55, the tax information is in multiple media formats. For example, the tax information may be recorded on paper and may also be stored electronically.

The Final Action cites col. 5, line 4 as describing the tax information as being in multiple formats. (Final Action, page 2). This line states "[m]ultiple documents and multiple document types are supported." This recitation from Regan does not state that the tax information is in multiple media formats just that multiple document types are supported. The types, for example, may refer to the various types of forms comprising a tax return. The Final Action further cites FIG. 29 of Regan as disclosing documents in PDF and HTML formats. (Final Action, page 2). The PDF and HTML formats are both electronic file formats and, therefore, are not multiple media formats as recited in independent Claims 1, 51, and 55.

For at least the foregoing reasons, Appellants respectfully submit that independent Claims 1, 51, and 55 are patentable over Regan and that the claims depending therefrom are patentable, at least, by virtue of their depending from an allowable claim. Accordingly, Appellants respectfully request that the rejection of Claims 1, 51, and 55 and the claims depending therefrom be reversed based on the failure of the Examiner to establish a *prima facie* case of anticipation under 35 U.S.C. §102 for at least these reasons.

B. Independent Claims 14, 40, 52, 54, 56, 58, 59, 62, and 68 are Patentable

Independent Claims 14, 40, 52, 54, 56, 58, 59, and 62 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Regan. (Final Action, page 2). Independent Claim 68 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Regan in view of U. S. Patent No. 6,473,741 to Baker (hereinafter "Baker"). (Final Action, page 12). Independent Claim 14 is directed to a method of processing a tax return and recites, in part:

...
presenting the taxpayer with options for receiving value if the taxpayer
is entitled to a tax refund; and
...

Independent Claims 40, 52, 54, 56, 58, 59, 62, and 68 include similar recitations. The Final Action cites Regan's teachings regarding directing refunds to a tax payer account as disclosing the above-reproduced recitation. (Final Action, page 3). These recitations, however, state that multiple options are presented to the taxpayer for receiving value when the taxpayer is entitled to a tax refund. Regan states at col. 1, lines 25 – 36 that the IRS can pay tax refunds by electronic funds transfer. This passage of Regan does not appear to include any disclosure of presenting to a user multiple options for receiving value of the user is entitled to a tax refund. Moreover, Baker fails to provide the teachings missing from Regan.

For at least the foregoing reasons, Appellants respectfully submit that independent Claims 14, 40, 52, 54, 56, 58, 59, and 62 are patentable over Regan and that the claims depending therefrom are patentable, at least, by virtue of their depending from an allowable claim. Accordingly, Appellants respectfully request that the rejection of Claims 14, 40, 52, 54, 56, 58, 59, and 62 and the claims depending therefrom be reversed based on the failure of the Examiner to establish a *prima facie* case of anticipation under 35 U.S.C. §102 for at least these reasons.

C. Independent Claims 28, 53, and 57 is Patentable

Independent Claims 28, 53, and 57 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Regan. (Final Action, page 2). Independent Claim 28 is directed to a method of processing a tax return and recites, in part:

...

establishing an account with a financial institution if the taxpayer is entitled to a refund.

Independent Claims 53 and 57 include similar recitations. The Final Action cites col. 1, lines 25 - 36 of Regan as disclosing the ability to establish an account with a financial institution if the taxpayer is entitled to a refund. (Final Action, page 3). This passage, however, merely states that the IRS has the ability to pay tax refunds by electronic transfer using the U. S. Treasury's automated clearing house (ACH) system. An ACH transaction starts with a Receiver authorizing an Originator to issue ACH debit or credit to an account. A Receiver is the account holder that grants the authorization. Thus, the taxpayer must already have an account established with a financial institution for the refund to be paid by the ACH system. The ACH system does not establish an account with a financial institution if the taxpayer is entitled to a refund. This is illustrated, for example, in the taxpayer profile described at col. 27, lines 55 - 60 of Regan, in which the taxpayer already has an account identified by an account number established with a financial institution. Appellants can find no teaching or suggestion in Regan that the financial account is established if the taxpayer is entitled to a tax refund. Regan teaches that the financial account exists irrespective of whether the taxpayer is entitled to a refund or owes a tax as Regan shows the same account number is used to pay a tax owed as well as receive a refund payment.

For at least the foregoing reasons, Appellants respectfully submit that independent Claims 28, 53, and 57 are patentable over Regan and that the claims depending therefrom are patentable, at least, by virtue of their depending from an allowable claim. Accordingly, Appellants respectfully request that the rejection of Claims 28, 53, and 57 and the claims depending therefrom be reversed based on the failure of the Examiner to establish a *prima facie* case of anticipation under 35 U.S.C. §102 for at least these reasons.

D. Independent Claim 63 is Patentable

Independent Claim 63 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Regan. (Final Action, page 2). Independent Claim 63 is directed to a method of initiating a financial transaction and recites, in part:

scanning at least one financial document;

...

The Final Action cites blocks 152 and 154 of FIG. 1A of Regan as disclosing scanning at least one financial document. (Final Action, page 3). Regan describes blocks 152 and 154 as follows: First, in operation 152, tax-related forms are first retrieved in a database. Next, in operation 154, the retrieved tax-related forms are formatted, and the formatted tax-related forms are sent to a governmental entity.

Appellants submit that if the forms are retrieved from a database, then they are already in electronic form so any formatting performed at block 154 would not involve scanning. Furthermore, Appellants can find no teaching or suggestion in Regan that the computer 214 is configured to scan financial documents to obtain information therefrom for use in initiating a financial transaction as recited in independent Claim 63.

For at least the foregoing reasons, Appellants respectfully submit that independent Claim 63 is patentable over Regan and that the claims depending therefrom are patentable, at least, by virtue of their depending from an allowable claim. Accordingly, Appellants respectfully request that the rejection of Claim 63 and the claims depending therefrom be reversed based on the failure of the Examiner to establish a *prima facie* case of anticipation under 35 U.S.C. §102 for at least these reasons.

III. Claims 10, 11, 24, 25, 36, 37, and 47 are Patentable

Dependent Claims 10, 11, 24, 25, 36, 37, and 47 stand rejected under §103(a) as being unpatentable over Regan in view of Hermreck. (Final Action, page 7). Dependent Claims 10, 11, 24, 25, 36, 37, and 47 depend from one or more independent claims, which Appellant submits are patentable for at least the reasons discussed above in Section II. *Ex parte Ligh*, 159 U.S.P.Q. (BNA) 61, 62 (Bd. App. 1967). Accordingly, Appellants respectfully request that the rejection of Claims 10, 11, 24, 25, 36, 37, and 47 be reversed based on the failure of the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103 for at least these reasons.

IV. Claims 15, 30, 31, 64, and 65 are Patentable

Dependent Claims 15, 30, 31, 64, and 65 stand rejected under §103(a) as being unpatentable over Regan in view of Valentine. (Final Action, page 8). Dependent Claims 15, 30, 31, 64, and 65 depend from one or more independent claims, which Appellant submits are patentable for at least the reasons discussed above in Section II. *Ex parte Ligh*, 159

U.S.P.Q. (BNA) 61, 62 (Bd. App. 1967). Accordingly, Appellants respectfully request that the rejection of Claims 15, 30, 31, 64, and 65 be reversed based on the failure of the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103 for at least these reasons.

V. Claims 16, 17, 46, and 66 are Patentable

Dependent Claims 16, 17, 46, and 66 stand rejected under §103(a) as being unpatentable over Regan in view of Wilson. (Final Action, page 10). Dependent Claims 16, 17, 46, and 66 depend from one or more independent claims, which Appellant submits are patentable for at least the reasons discussed above in Section II. *Ex parte Ligh*, 159 U.S.P.Q. (BNA) 61, 62 (Bd. App. 1967). Accordingly, Appellants respectfully request that the rejection of Claims 16, 17, 46, and 66 be reversed based on the failure of the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103 for at least these reasons.

VI. Claims 7 and 21 are Patentable

Dependent Claims 7 and 21 stand rejected under §103(a) as being unpatentable over Regan in view of Longfield. (Final Action, page 10). Dependent Claims 7 and 21 depend from one or more independent claims, which Appellant submits are patentable for at least the reasons discussed above in Section II. *Ex parte Ligh*, 159 U.S.P.Q. (BNA) 61, 62 (Bd. App. 1967). Accordingly, Appellants respectfully request that the rejection of Claims 7 and 21 be reversed based on the failure of the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103 for at least these reasons.

VII. Claims 9, 23, and 35 are Patentable

Dependent Claims 9, 23, and 35 stand rejected under §103(a) as being unpatentable over Regan in view of Wagner. (Final Action, page 11). Dependent Claims 9, 23, and 35 depend from one or more independent claims, which Appellant submits are patentable for at least the reasons discussed above in Section II. *Ex parte Ligh*, 159 U.S.P.Q. (BNA) 61, 62 (Bd. App. 1967). Accordingly, Appellants respectfully request that the rejection of Claims 9, 23, and 35 be reversed based on the failure of the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103 for at least these reasons.

VIII. Claim 61 is Patentable

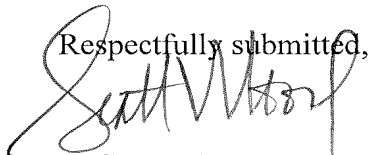
Dependent Claim 61 stands rejected under §103(a) as being unpatentable over Regan in view of Sobotta. (Final Action, page 12). Dependent Claim 61 depends from one or more independent claims, which Appellant submits are patentable for at least the reasons discussed above in Section II. *Ex parte Ligh*, 159 U.S.P.Q. (BNA) 61, 62 (Bd. App. 1967). Accordingly, Appellants respectfully request that the rejection of Claim 61 be reversed based on the failure of the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103 for at least these reasons.

IX. Claims 68 and 69 are Patentable

Dependent Claims 68 and 69 stand rejected under §103(a) as being unpatentable over Regan in view of Baker. (Final Action, page 12). Dependent Claims 68 and 69 depend from one or more independent claims, which Appellant submits are patentable for at least the reasons discussed above in Section II. *Ex parte Ligh*, 159 U.S.P.Q. (BNA) 61, 62 (Bd. App. 1967). Accordingly, Appellants respectfully request that the rejection of Claims 68 and 69 be reversed based on the failure of the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103 for at least these reasons.

X. Conclusion

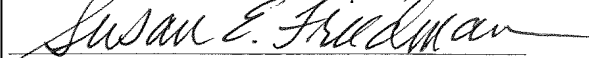
In summary, Appellants respectfully submit that, with respect to Claims 1 - 44 and 46 - 69 the cited references do not teach all of the recitations of the claims. Accordingly, Appellants respectfully request reversal of the rejection of Claims 1 - 44 and 46 - 69 based on the cited references.

Respectfully submitted,

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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4) to the U.S. Patent and Trademark Office on April 1, 2010.


Susan E. Freedman
Date of Signature: April 1, 2010

APPENDIX A – CLAIMS APPENDIX

1. (Previously presented) A method of processing a tax return, comprising:
 - receiving tax information associated with a taxpayer, wherein the tax information is in a plurality of media formats;
 - converting the tax information into a common electronic format;
 - determining if the tax information is sufficient to generate a tax return therefrom; and
 - processing the tax information to generate a tax return if the tax information has been determined to be sufficient.
2. (Original) The method of Claim 1, wherein the formats comprise text stored on a paper-based source document and/or digital information.
3. (Original) The method of Claim 1, wherein receiving the tax information comprises:
 - downloading the tax information from a repository having at least some of the tax information stored thereon.
4. (Original) The method of Claim 1, wherein receiving the tax information comprises:
 - receiving a machine-readable document that is completed by the taxpayer to include at least some of the tax information.
5. (Original) The method of Claim 1, wherein receiving the tax information comprises:
 - receiving at least some of the tax information from the taxpayer via an input device.
6. (Original) The method of Claim 1, further comprising:
 - presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and
 - presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

7. (Original) The method of Claim 6, further comprising:
establishing an account with a financial institution if the taxpayer is entitled to a tax refund.
8. (Original) The method of Claim 1, wherein determining if the tax information is sufficient to generate a tax return therefrom comprises:
evaluating the accuracy of the tax information; and
confirming the accuracy of the tax information with the taxpayer.
9. (Original) The method of Claim 1, wherein determining if the tax information is sufficient to generate a tax return therefrom comprises:
determining if any of the tax information is irrelevant; and
discarding any tax information determined to be irrelevant.
10. (Original) The method of Claim 1, further comprising:
presenting at least one alternative tax strategy to the taxpayer.
11. (Original) The method of Claim 1, further comprising:
presenting a targeted advertisement to the taxpayer.
12. (Original) The method of Claim 1, further comprising:
providing communication access to a person who specializes in tax preparation in real time.
13. (Original) The method of Claim 1, further comprising:
identifying the taxpayer using biometrics.
14. (Original) A method of processing a tax return, comprising:
receiving tax information associated with a taxpayer;
determining if the tax information is sufficient to generate a tax return therefrom;

processing the tax information to generate a tax return if the tax information has been determined to be sufficient;

presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and

presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

15. (Original) The method of Claim 14, wherein presenting the taxpayer with options for receiving value comprises:

filing the tax return electronically;

dispensing the tax refund to the taxpayer in cash if the tax refund is below a threshold value;

issuing a check or money order to the taxpayer if the tax refund is not below the threshold value and/or

issuing a government authorized check to the taxpayer.

16. (Original) The method of Claim 14, wherein presenting the taxpayer with options for receiving value comprises:

filing the tax return electronically; and

receiving an instrument of value associated with a merchant.

17. (Original) The method of Claim 14, wherein presenting the taxpayer with options for receiving value comprises:

filing the tax return electronically;

arranging for a refund anticipation financial instrument;

dispensing a spendable asset to the taxpayer from the refund anticipation financial instrument.

18. (Original) The method of Claim 14, wherein presenting the taxpayer with options for paying the tax comprises:

filing the tax return electronically; and

paying the tax via cash, credit/debit card, and/or an electronic transfer of funds.

19. (Original) The method of Claim 14, wherein presenting the taxpayer with options for paying the tax comprises:

printing the tax return at the time of preparation for subsequent filing by the taxpayer.

20. (Original) The method of Claim 14, wherein the tax information is in a plurality of formats, the method further comprising:

converting the tax information into a common electronic format.

21. (Original) The method of Claim 14, further comprising:
establishing an account with a financial institution if the taxpayer is entitled to a tax refund.

22. (Original) The method of Claim 14, wherein determining if the tax information is sufficient to generate a tax return therefrom comprises:

evaluating the accuracy of the tax information; and
confirming the accuracy of the tax information with the taxpayer.

23. (Original) The method of Claim 14, wherein determining if the tax information is sufficient to generate a tax return therefrom comprises:

determining if any of the tax information is irrelevant; and
discarding any tax information determined to be irrelevant.

24. (Original) The method of Claim 14, further comprising:
presenting at least one alternative tax strategy to the taxpayer.

25. (Original) The method of Claim 14, further comprising:
presenting a targeted advertisement to the taxpayer.

26. (Original) The method of Claim 14, further comprising:
providing communication access to a person who specializes in tax preparation in real time.

27. (Original) The method of Claim 14, further comprising:
identifying the taxpayer using biometrics.
28. (Original) A method of processing a tax return, comprising:
receiving tax information associated with a taxpayer;
determining if the tax information is sufficient to generate a tax return therefrom;
processing the tax information to generate a tax return if the tax information has been
determined to be sufficient; and
establishing an account with a financial institution if the taxpayer is entitled to a tax
refund.
29. (Original) The method of Claim 28, wherein the account with the
financial institution is a conventional bank account.
30. (Original) The method of Claim 28, wherein the account with the
financial institution is a transitory bank account for holding a refund anticipation loan.
31. (Original) The method of Claim 28, wherein the account with the
financial institution comprises a savings purse that can only be accessed via a visit to the
financial institution and a spending purse that can be accessed via a debit card, automatic
teller machine (ATM) card, and/or a credit card.
32. (Original) The method of Claim 28, wherein the tax information is in a
plurality of formats, the method further comprising:
converting the tax information into a common electronic format.
33. (Original) The method of Claim 28, further comprising:
presenting the taxpayer with options for receiving value if the taxpayer is entitled to a
tax refund; and
presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

34. (Original) The method of Claim 28, wherein determining if the tax information is sufficient to generate a tax return therefrom comprises:

evaluating the accuracy of the tax information; and
confirming the accuracy of the tax information with the taxpayer.

35. (Original) The method of Claim 28, wherein determining if the tax information is sufficient to generate a tax return therefrom comprises:

determining if any of the tax information is irrelevant; and
discarding any tax information determined to be irrelevant.

36. (Original) The method of Claim 28, further comprising:
presenting at least one tax strategy to the taxpayer.

37. (Original) The method of Claim 28, further comprising:
presenting a targeted advertisement to the taxpayer.

38. (Original) The method of Claim 28, further comprising:
providing communication access to a person who specializes in tax preparation in real time.

39. (Original) The method of Claim 28, further comprising:
identifying the taxpayer using biometrics.

40. (Previously presented) A method of processing a tax return,
comprising:

receiving tax information associated with a taxpayer;
evaluating the accuracy of the tax information;
confirming the accuracy of the tax information with the taxpayer;
processing the tax information to generate a tax return;
presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and
presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

41. (Original) The method of Claim 40, wherein evaluating the accuracy of the tax information comprises:

determining if any of the tax information is missing;
determining if any of the tax information is inconsistent;
determining if any of the tax information is incorrect; and/or
determining if any of the tax information is irrelevant.

42. (Original) The method of Claim 41, further comprising:
querying the taxpayer to obtain new tax information to remedy any of the missing, inconsistent, and/or incorrect tax information.

43. (Original) The method of Claim 40, wherein confirming the accuracy of the tax information comprises:

displaying the tax information for the taxpayer; and
receiving confirmation from the taxpayer that the tax information is correct.

44. (Original) The method of Claim 40, wherein the tax information is in a plurality of formats, the method further comprising:

converting the tax information into a common electronic format.

46. (Original) The method of Claim 45, further comprising:
establishing an account with a financial institution if the taxpayer is entitled to a tax refund.

47. (Original) The method of Claim 40, further comprising:
presenting at least one alternative tax strategy to the taxpayer.

48. (Original) The method of Claim 40, further comprising:
presenting a targeted advertisement to the taxpayer.

49. (Original) The method of Claim 40, further comprising:
providing communication access to a person who specializes in tax preparation in real time.

50. (Original) The method of Claim 40, further comprising:
identifying the taxpayer using biometrics.

51. (Previously presented) A system for processing a tax return,
comprising:
means for receiving tax information associated with a taxpayer, wherein the tax information is in a plurality of media formats;
means for converting the tax information into a common electronic format;
means for determining if the tax information is sufficient to generate a tax return therefrom; and
means for processing the tax information to generate a tax return if the tax information has been determined to be sufficient.

52. (Original) A system for processing a tax return, comprising:
means for receiving tax information associated with a taxpayer;
means for determining if the tax information is sufficient to generate a tax return therefrom;
means for processing the tax information to generate a tax return if the tax information has been determined to be sufficient;
means for presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and
means for presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

53. (Original) A system for processing a tax return, comprising:
means for receiving tax information associated with a taxpayer;
means for determining if the tax information is sufficient to generate a tax return therefrom;

means for processing the tax information to generate a tax return if the tax information has been determined to be sufficient; and

means for establishing an account with a financial institution if the taxpayer is entitled to a tax refund.

54. (Previously presented) A system for processing a tax return, comprising:

means for receiving tax information associated with a taxpayer;

means for evaluating the accuracy of the tax information;

means for confirming the accuracy of the tax information with the taxpayer;

means for processing the tax information to generate a tax return;

means for presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and

means for presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

55. (Previously presented) A computer program product for processing a tax return, comprising:

a computer readable storage medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code configured to receive tax information associated with a taxpayer, wherein the tax information is in a plurality of media formats;

computer readable program code configured to convert the tax information into a common electronic format;

computer readable program code configured to determine if the tax information is sufficient to generate a tax return therefrom; and

computer readable program code configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient.

56. (Original) A computer program product for processing a tax return, comprising:

a computer readable storage medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code configured to receive tax information associated with a taxpayer;

computer readable program code configured to determine if the tax information is sufficient to generate a tax return therefrom;

computer readable program code configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient;

computer readable program code configured to present the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and

computer readable program code configured to present the taxpayer with options for paying a tax if the taxpayer owes the tax.

57. (Original) A computer program product for processing a tax return, comprising:

a computer readable storage medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code configured to receive tax information associated with a taxpayer;

computer readable program code configured to determine if the tax information is sufficient to generate a tax return therefrom;

computer readable program code configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient; and

computer readable program code configured to establish an account with a financial institution if the taxpayer is entitled to a tax refund.

58. (Previously presented) A computer program product for processing a tax return, comprising:

a computer readable storage medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code configured to receive tax information associated with a taxpayer;

computer readable program code configured to evaluate the accuracy of the tax information;

computer readable program code configured to confirm the accuracy of the tax information with the taxpayer;

computer readable program code configured to process the tax information to generate a tax return;

computer readable program code configured to present the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and

computer readable program code configured to present the taxpayer with options for paying a tax if the taxpayer owes the tax.

59. (Original) A method of processing a tax return, comprising:
receiving tax information associated with a taxpayer, wherein the tax information is in a plurality of formats;
converting the tax information into a common electronic format;
determining if the tax information is sufficient to generate a tax return therefrom;
processing the tax information to generate a tax return if the tax information has been determined to be sufficient;
presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and
presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

60. (Original) The method of Claim 59, wherein the formats comprise text stored on a paper-based source document.

61. (Original) The method of Claim 59, wherein receiving the tax information comprises:
scanning the paper-based source document.

62. (Original) A system for processing a tax return, comprising:
an input device that is configured to receive tax information associated with a taxpayer, wherein the tax information is in a plurality of formats;
a format conversion module that is configured to convert the tax information into a common electronic format;
a data verification module that is configured to determine if the tax information is sufficient to generate a tax return therefrom;
a tax preparation module that is configured to process the tax information to generate a tax return if the tax information has been determined to be sufficient;
a refund options module that is configured to present the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and
a payment options module that is configured to present the taxpayer with options for paying a tax if the taxpayer owes the tax.

63. (Original) A method of initiating a financial transaction, comprising:
scanning at least one financial document;
converting information on the at least one financial document into an electronic format;
determining if the information is sufficient to initiate the financial transaction; and
initiating the financial transaction if the information has been determined to be sufficient.

64. (Original) The method of Claim 63, wherein the financial transaction is a loan.

65. (Original) The method of Claim 64, wherein the loan is a tax refund anticipation loan.

66. (Original) The method of Claim 63, wherein the financial transaction is the establishment of an account with a financial institution.

67. (Original) The method of Claim 63, wherein the financial transaction is payment of a personal and/or real property tax.

68. (Previously presented) A method of processing a tax return, comprising:
scanning a tax return that has been filed with a revenue authority;
converting information on the tax return into an electronic format;
determining if the tax return contains any errors;
generating an amended tax return if any errors are determined;
presenting the taxpayer with options for receiving value if the taxpayer is entitled to a tax refund; and
presenting the taxpayer with options for paying a tax if the taxpayer owes the tax.

69. (Original) The method of Claim 68, further comprising:
presenting any errors that are determined to a taxpayer; and
receiving input from the taxpayer responsive to the presentation of the errors.

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APPENDIX B – EVIDENCE APPENDIX

None

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APPENDIX C – RELATED PROCEEDINGS APPENDIX

None.